

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

11	JERRY SHAW-YAU CHANG) Case No.: C-04-0125 JSW (E-FILE)
12)
13	Plaintiff,) [PROPOSED] SEVENTH STIPULATED
14	vs.) ORDER CONTINUING HEARING ON
15	NATIONAL UNION FIRE INSURANCE) MOTION TO DISMISS AND INITIAL
16	COMPANY OF PITTSBURGH, PA, et al.) CASE MANAGEMENT CONFERENCE
17	Defendants)
18)

WHEREAS, Defendant Twin City Fire Insurance Company ("Twin City") has filed a Motion to Dismiss Plaintiff's Complaint, the hearing on which is currently scheduled for hearing on September 23, 2005; and

WHEREAS Magistrate Larson issued an ADR Scheduling Order on January 9, 2004; and

WHEREAS, the parties have been engaged in an ongoing mediation before Judge Daniel Weinstein, ret. and in lengthy further negotiations over the documentation of a settlement in principle that has now been funded and, on April 27, 2005, was documented in signed Stipulations of Settlement and signed Releases; and

1 WHEREAS, the court has found that the settlement, which involves resolution of a
2 proposed class action under the Federal securities laws that requires court approval, was
3 entered into in "good faith" and that cross-claims arising out of the settled litigation are
4 barred; and

5 WHEREAS, all the remaining terms and conditions of the settlement have been
6 completed, except for the filing of dismissals in the related derivative cases, filed in the
7 U.S. District Court of Delaware; and

8 WHEREAS, the parties wish to avoid further costs of litigation while awaiting the
9 filing of these related dismissals; and

10 WHEREAS, the parties therefore wish to continue the hearing on Twin City's
11 Motion to Dismiss, and the Initial Case Management Conference, 45 days from September
12 23, 2005, or as soon thereafter as the Court's calendar may permit; and

13 Based on the parties' stipulation, and good cause appearing,

14 IT IS ORDERED that the hearing on Twin City's Motion to Dismiss, and the
15 Initial Case Management Conference, are continued to December 2, 2005 at 9:00 a.m.

16 IT IS FURTHER ORDERED that the parties' opposing and reply papers
17 respecting Twin City's Motion to dismiss shall be due 21 and 14 calendar days prior to the
18 continued hearing, respectively;

19 IT IS FURTHER ORDERED: that the parties' last day to:

20 (a) File the Joint ADR Certification with Stipulation to ADR process, or Notice
21 of Need for ADR Phone Conference shall be 21 days before the Initial Case
22 Management Conference;

23 (b) Meet and Confer re Initial Disclosures and Rule 26(f) Report shall be 21
24 days before the Initial Case Management Conference;

25 (c) Complete Initial Disclosures or State Objections in Rule 26(f) Report and
26 file and serve Rule 26(f) Report shall be 7 days before the Initial Case
27 Management Conference; and

28

1 (d) File a Case Management Conference Statement shall be 7 days before the
2 Initial Case Management Conference.

3 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

4 DATED: September 6, 2005



5 JEFFREY S. WHITE
6 United States District Court Judge

7 by Hon. Phyllis J. Hamilton

8 **SO STIPULATED.**

9 Dated: August 31, 2005

DON A. LESSER & ASSOCIATES

10
11 By: _____/s/
12 DON A. LESSER
Attorneys for Plaintiff

13 Dated: August 31, 2005

KRIEG, KELLER, SLOAN, REILLEY & ROMAN LLP

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15 By: _____/s/
16 KATHY M. SARRIA
Attorneys for National Union Fire Insurance Co.

17 Dated: August 31, 2005

KRIEG, KELLER, SLOAN, REILLEY & ROMAN LLP

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19 By: _____/s/
20 KATHY M. SARRIA
21 Attorneys for New Hampshire Company incorrectly
22 sued as Certain Underwriters at Lloyd's London

23 Dated: August 31, 2005

LEWIS BRISBOIS BISGAARD & SMITH LLP

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25 By: _____/s/
26 ROBERT A. WOOTEN, JR.
27 MICHAEL K. JOHNSON
28 Attorneys for Royal Insurance Company of America

1 Dated: August 31, 2005

LEWIS BRISBOIS BISGAARD & SMITH LLP

2 By: _____/s/

3 KATHERINE S. CATLOS

4 Attorneys for St. Paul Mercury Insurance Co.

5 Dated: August 31, 2005

DUANE MORRIS LLP

7 By: _____/s/

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10 Dated: August 31, 2005

11 SEDGWICK, DETERT, MORAN & ARNOLD LLP

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16 Dated: August 31, 2005

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18 By: _____/s/

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20 Attorneys for TIG Specialty Insurance

21 Company of Michigan

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